

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

OSCAR MUNOZ)	
)	
Plaintiff)	Case No.
)	
vs.)	
)	
NUCOR STEEL KANKAKEE, INC.))	
)	
Defendant)	

COMPLAINT

NOW COMES Plaintiff, OSCAR MUNOZ by and through his attorneys, Noonan, Perillo & Thut and complaining of Defendant, NUCOR STEEL KANKAKEE, INC. states as follows:

PARTIES

1. Plaintiff, Oscar Munoz is an individual and resident of Bristol, Wisconsin and is therefore a citizen of the State of Wisconsin.
2. Defendant, Nucor Steel Kankakee, Inc. (hereinafter referred to as "Nucor Steel") is a corporation organized under the laws of the State of North Carolina, and, therefore, is a citizen of the State of North Carolina.

JURISDICTION

3. This Court has jurisdiction over this matter pursuant to 28 USC 1446 in that the parties hereto are citizens of different states and the amount in controversy exceeds \$75,000.00.

VENUE

4. Venue for this case lies in the Northern District of Illinois in that Defendant maintains a registered office in Chicago, Illinois and the incident which caused Plaintiff's injuries occurred in Bourbonnais, Illinois.

CAUSE OF ACTION

(Personal Injuries to Oscar Munoz)

5. On March 12, 2018, Plaintiff, Oscar Munoz was a self-employed truck driver delivering scrap steel from Waukesha Iron Company to Defendant, Nucor Steel at Defendants place of business, One Nucor Way, Bourbonnais, Illinois, 60194.

6. Plaintiff, Oscar Munoz has not, at any time, received any compensation or other consideration from Defendant, Nucor Steel.

7. At the time and place aforesaid, it became necessary for Plaintiff, Oscar Munoz to climb up onto the bed of his trailer to sweep off scrap steel into an area designated by Defendant, Nucor Steel.

8. At the time and place aforesaid, employees and agents of Defendant, Nucor Steel required Plaintiff to utilize a roll-up staircase owned by Nucor Steel to climb up to the bed of Plaintiff's semi-trailer in order to sweep excess scrap steel from the bed of the trailer.

9. As Plaintiff, Oscar Munoz was on the highest platform of the roll-up staircase provided by Defendant, Nucor Steel, the axle/wheel shaft of the roll-up staircase broke causing Plaintiff, Oscar Munoz to fall onto the concrete loading dock maintained by Defendant.

10. At all times material hereto, it was the duty of Defendant, Nucor Steel, by and through its duly authorized agents and employees, to maintain the roll-up staircase which Plaintiff was required to use to access the bed of his semi-trailer unit in a reasonably safe condition.

11. The aforesaid duty notwithstanding, on March 12 2018, Defendant, Nucor Steel, by and through its duly authorized agents and employees did commit one or more of the following negligent acts and/or omissions:

- a. Required Plaintiff to utilize a broken and defective roll-up staircase to climb up to the bed of his semi-trailer;
- b. Failed to maintain the roll-up staircase Plaintiff was required to use in a safe and suitable condition;

- c. Failed to advise Plaintiff to use his own ladder to climb up onto the bed of his semi-trailer;
- d. Failed to warn Plaintiff that the roll-up staircase he was required to use to access the bed of his semi-trailer unit was unreasonably dangerous and defective; and
- g. Was otherwise negligent or careless.

12. As a direct and proximate result of the aforesaid negligent acts and/or omissions of Defendant, Nucor Steel, by and through its duly authorized agents and employees, the axle/wheel shaft of the roll-up staircase provided by Defendant broke while Plaintiff, Oscar Munoz was on the highest level of the staircase causing Plaintiff to fall onto a concrete surface.

13. As a direct result of this fall, Plaintiff, Oscar Munoz suffered severe and permanent personal injuries; plaintiff has incurred significant medical expenses and will incur medical expenses in the future. Plaintiff has lost significant income and will continue to lose income in the future. Plaintiff has experienced severe physical and mental pain and suffering. Plaintiff has also suffered and will continue to suffer permanent disability; all to the damage of the Plaintiff, Oscar Munoz in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, OSCAR MUNOZ respectfully requests this Honorable Court enter judgment in favor of the Plaintiff and against Defendant, NUCOR STEEL KANKAKEE, INC. in an amount in excess \$75,000.00, together with the costs of bringing this action.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,

/S/ C. JEFFREY THUT
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